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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AGUSTIN HERNANDEZ-
HERNANDEZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-71646

Agency No. A097-349-937

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 25, 2010**
San Francisco, California

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Agustin Hernandez-Hernandez, a native and citizen of Mexico, petitions pro
se for review of the decision of the Board of Immigration Appeals' denying his

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

second motion to reconsider the underlying denial of his application for cancellation of relief based on his failure to establish the requisite hardship to a qualifying relative. The BIA denied the motion as numerically-barred and untimely-filed.

Hernandez-Hernandez contends that the BIA erred by not finding exceptional and extremely unusual hardship to his two United States citizen children. Hernandez-Hernandez also contends there is no rational basis for treating aliens differently who apply for § 212(c) relief and for cancellation relief.

Hernandez-Hernandez has not raised any challenges to the BIA's denial of his second motion to reconsider as numerically barred and untimely, and therefore he has waived any challenge to that decision. *See Martinez-Rios v. Holder*, 94 F.3d 1256, 1259 (9th Cir. 1996) (issues not supported by argument in a brief are deemed abandoned).

PETITION FOR REVIEW DENIED.